

STATEMENT OF THE  
NATIONAL BORDER PATROL COUNCIL  
OF THE  
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES  
AFL-CIO

BEFORE THE  
SUBCOMMITTEE ON INVESTIGATIONS  
COMMITTEE ON HOMELAND SECURITY  
UNITED STATES HOUSE OF REPRESENTATIVES

CRIMINAL ACTIVITY AND VIOLENCE ALONG THE SOUTHERN BORDER

PRESENTED BY  
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NATIONAL PRESIDENT

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The National Border Patrol Council appreciates the opportunity to present the views and concerns of the 10,500 front-line Border Patrol employees that it represents regarding the persistent problems of criminal activity and violence along the border between the United States and Mexico. Despite substantial increases in funding during the past two decades for personnel, technology, and equipment for Federal law enforcement agencies along the southern border, the levels of crime and violence in that region remain unacceptably high. Although property crimes along the border have fallen dramatically, there has been an increase in violent crimes, including attacks against law enforcement officers. Last year, the number of assaults against Border Patrol agents more than doubled, with 778 reported incidents, compared to 374 the previous year. There have also been a number of armed confrontations initiated against U.S. law enforcement officers by rogue Mexican military and police units. Power struggles among some of the drug cartels have transformed the city of Nuevo Laredo, Mexico into a war zone where hundreds of people have been killed in the streets during the past several years. While other border cities are not experiencing this same level of violence, they are by no means immune from this scourge.

Although there are several reasons for these emerging trends, the Border Patrol's "strategy of deterrence" is undoubtedly one of the primary factors responsible for these changes. Under this initiative, the Border Patrol has concentrated its resources near large cities along the southern border. Reinforced fences have been built in many of those areas, and agents are stationed in fixed positions in close proximity to the border. The theory behind this strategy is that people will be discouraged from crossing the border illegally because of the increased law enforcement presence. In reality, the number of people apprehended crossing our borders illegally has remained fairly constant. The strategy has merely caused the illicit traffic to shift to other parts of the border where there are fewer law enforcement resources. It has also induced more people to rely upon smugglers

to help them cross the border, which has resulted in a dramatic tenfold increase in smuggling fees. In turn, this has caused more criminal organizations to become involved in smuggling people. The propensity of these organizations to utilize force as a means of achieving their ends has caused an escalation in violent crimes along the border.

While there is an undeniable relationship between the rise in violent crime and the decline in property crime, there is no need to choose between the two, as a sensible border security strategy would substantially reduce both of these types of crime. Unfortunately, the current strategy focuses almost exclusively on the border, largely ignoring the root cause of illegal immigration. As long as illegal aliens can readily find employment in the United States, millions of people will continue to violate our immigration laws every year. This will ensure that the smuggling trade flourishes, greatly contributing to crime and violence along our borders.

The enactment of H.R. 98, the “Illegal Immigration Enforcement and Social Security Protection Act of 2005,” would eliminate the employment magnet that lures so many people to our country, and would also put human smugglers out of business almost overnight. No rational person would pay a smuggler to help him or her cross our borders if the odds of obtaining employment were remote. This would enable the Border Patrol and other law enforcement agencies to concentrate their limited resources on stopping criminals and terrorists from crossing our borders.

It is important to note that this legislation differs markedly from proposals that are premised upon the Basic Pilot Program. As the Government Accountability Office reported last August, that system is highly susceptible to identity fraud because it allows impostors to use a separate, easily counterfeited document to assume the identity of the legitimate owner of a Social Security number. No employment verification system can be effective unless it utilizes a single counterfeit-proof document that establishes the bearer’s identity as well as employment eligibility.

None of the other border security initiatives currently being considered would be nearly as effective as the foregoing measure. For example, fencing has not stopped people from illegally crossing our borders. Despite the placement of several hundred miles of reinforced border fences, illegal crossings have not subsided at all. Apprehensions of illegal aliens have varied little since construction of these barriers began fifteen years ago, and front-line Border Patrol agents still estimate that for every person who is caught, two or three manage to slip past them. While this type of fencing has helped reduce property crimes in urban areas, most border cities that are not adjacent to the Rio Grande already have such barriers, so further reductions in property crimes are likely to be minimal. Moreover, such fencing, combined with the static deployment of Border Patrol agents, is partly responsible for the increase in assaults against these and other law enforcement officers. It is also noteworthy that statistics concerning the number of violent crimes committed against illegal aliens traveling near the border are highly inaccurate, as they are generally not reported unless the injuries are severe or the victims are apprehended by the Border Patrol.

Similarly, technology alone is incapable of deterring people from crossing our borders illegally. While the proper devices can serve a useful purpose as extra eyes and ears, they are incapable of apprehending a single person. Without adequate numbers of Border Patrol agents available to respond to the intrusions detected by sensors and cameras, thousands of people will continue to successfully slip across our borders illegally every night.

Augmenting the size of the Border Patrol with temporary help until additional agents can be hired and trained is not an effective solution either. The experience to date with the National Guard deployment indicates that the Border Patrol has spent more hours training, supervising, and

guarding<sup>1</sup> these troops than the number of hours that are being spent patrolling the borders by the few agents who have been reassigned from administrative to field duties. The proposal to deploy armed guards with limited training as a stopgap measure would create an entirely different set of problems, greatly increasing the probability of unwarranted detentions and false arrests. Our immigration laws are extremely complex, and those who are charged with enforcing them need to receive the appropriate training in order to properly discharge these duties. Simply stated, there are no shortcuts. The only effective way to increase the size of the Border Patrol is to hire and train additional agents, provide them with the tools that they need to do their jobs, and ensure that they are paid and treated fairly in order to be able to attract and retain the best and brightest employees. H.R. 4044, the “Rapid Response Border Protection Act of 2005,” would achieve many of these goals, and should be enacted without delay.

In summary, solutions to the vexing problems of border crime and violence will remain elusive as long as the current enforcement strategies are pursued. Addressing these problems in a meaningful way will require two dramatic changes. First, the employment magnet needs to be eliminated, which will reduce the flow of illegal traffic across our borders from a flood to a trickle. Second, reliable and cost-effective technologies need to be utilized to detect border intrusions, and sufficient numbers of law enforcement officers must be deployed in a manner that enables large numbers of them to rapidly respond to each incursion, minimizing the incentive for criminals to attempt to avoid capture through violent means. Since both of these measures could easily be implemented, there is no excuse for continuing to tolerate high levels of crime and violence along our borders.

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<sup>1</sup> Since most of the troops assigned to perform tasks along the border (such as building, maintaining and repairing roads and fences) are unarmed, the Border Patrol is assigning agents to protect them against assaults.